

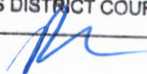
FILED

UNITED STATES DISTRICT COURT

JUN 20 2018

for the

Eastern District of North Carolina

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

United States of America

v.

Enrique Antonio-Garcia

Case No.

5:18-MJ-01546-JG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 25, 2018 in the county of Franklin in the
Eastern District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

18 USC 922(g)(5)(A)
18 USC 924(a)(2)

The Defendant, being an alien illegally and unlawfully in the United States,
did knowingly possess firearms and ammunition.

This criminal complaint is based on these facts:

On January 25, 2018, Enrique Antonio-Garcia, who was an unlawful and illegal alien living in the United States without the permission of the Department of Homeland Security, in violation of 8 USC 1325, did possess firearms and ammunition, in violation of 18 USC 922(g)(5)(A) and 924(a)(2).

☒ Continued on the attached sheet.

On this day, Thomas R. Halvas
appeared before me via reliable electronic means, was
placed under oath, and attested to the contents of this
Complaint.

Date:

20 June 2018

City and state:

Raleigh, North Carolina

Complainant's signature

Thomas Halvas - HSI SA

Printed name and title

Judge's signature

James E. Gates, US Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

AFFIDAVIT

1. I, Thomas R. Halvas, (hereinafter "your affiant"), am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) assigned to the Resident Agent in Charge Raleigh, North Carolina field office (HSI RAC/RA). I have been employed with the Immigration and Naturalization Service (INS), and HSI for approximately 21 years, and my duties include conducting criminal investigations for violations of Titles 8, 18, 19, 21, and 31 of the United States Code, to include violations of immigration offenses, attempting to obtain visas and other immigration status by fraud or false statements, and the possession of firearms by aliens illegally in the United States.

2. This Affidavit is made in support of a criminal complaint against Enrique Antonio-Garcia (hereinafter "ANTONIO-GARCIA") for being an unlawful and illegal alien in possession of firearms and ammunition, in violation of 18 U.S.C §§ 922(g)(5)(A) and 924(a)(2). Because this affidavit is submitted for the limited purpose of securing a warrant to arrest ANTONIO-GARCIA, I have set forth only those facts that I believe are necessary to establish probable cause to believe that ANTONIO-GARCIA committed the above mentioned violations.

4. On December 7, 2017, agents with the Vance County Sheriff's Office (VCSO), the North Carolina State Bureau of Investigation (SBI) and Homeland Security (HSI) arrested an individual on narcotics trafficking charges (hereinafter referred to as "CS"). During the subsequent interview with the CS, he stated that he was being supplied with heroin by a Hispanic male that CS knew as, "TEE". CS stated that "TEE" lived in Franklin County and that "TEE" owned a store in Durham, NC. The CS also stated that "TEE" had been arrested in Vance County with three (3) other Hispanics and a black female called "Diamond". Detective Williams of the VCSO

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looked into past arrest reports and found the report that CS made mention of. The report included three (3) photographs of Hispanic males and a photo of "Diamond."

5. In January 2018, Detective Williams had CS look at the three (3) Hispanic male photographs. The CS identified one of the pictures as "TEE", CS' supplier. The picture that CS identified was of ANTONIO-GARCIA. Agents learned through SBI intelligence that ANTONIO-GARCIA owned a store in Durham, NC and that ANTONIO-GARCIA had a landscaping business. Through the CS, agents also learned that ANTONIO-GARCIA had an address of 1039 Joe Ward Road, Louisburg, NC.

6. On January 24, 2018, Special Agent (SA) Stephen Staton of the SBI and Detective Williams conducted surveillance in the Joe Ward Road area at which time ANTONIO-GARCIA was seen driving a red Dodge pickup truck with a trailer on Epsom Rocky-Ford Road. SA Staton and Detective Williams turned around on Epsom Rocky-Ford Road and followed ANTONIO-GARCIA to the Joe Ward Road location. A criminal record check of law enforcement databases revealed that ANTONIO-GARCIA did not possess a valid NC driver's license. Moreover, HSI investigators were unable to verify the immigration status of ANTONIO-GARCIA.

7. On January 25, 2018, officers and agents of the VCSO, the SBI and HSI again conducted surveillance in the area of Joe Ward Road. Detective Williams observed ANTONIO-GARCIA traveling in a red Dodge pickup truck on Joe Ward Road and conducted a traffic stop. Detective Williams asked ANTONIO-GARCIA (the sole occupant of the vehicle) for his driver's license. ANTONIO-GARCIA provided Detective Williams with a Mexican ID but spoke only in Spanish to the officer. Detective Williams requested assistance from SA Castrillon of HSI (a fluent Spanish speaker) who was participating in the investigation and stationed nearby.

8. SA Castrillon approached ANTONIO-GARCIA'S truck and identified himself as a Special Agent with Homeland Security, Immigration and Customs Enforcement. SA Castrillon asked ANTONIO-GARCIA if he had any other identifying documents with

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him and if he was a citizen of Mexico. ANTONIO-GARCIA advised he had no driver's license and was a citizen of Mexico. SA Castrillon asked ANTONIO-GARCIA if he was illegally present in the United States. ANTONIO-GARCIA advised that he was. ANTONIO-GARCIA asked SA Castrillon if he needed to contact an attorney. SA Castrillon told ANTONIO-GARCIA that he could not give him any advice regarding an attorney.

9. SA Castrillon advised ANTONIO-GARCIA that he wanted to get his immigration history and asked ANTONIO-GARCIA if he had his Mexican passport with him. ANTONIO-GARCIA said he did not have his passport with him and did not know if it was at his home or at a store that he used to own. ANTONIO-GARCIA told SA Castrillon that he used to own a convenience store and sold it a couple of weeks earlier. ANTONIO-GARCIA told SA Castrillon that he had documents from the sale of his convenience store in his glove compartment that had his name on them.

10. SA Castrillon asked ANTONIO-GARCIA if he would allow agents to return to his house with him to search for other identity documents including his passport. ANTONIO-GARCIA granted consent and agreed to ride with Detective Williams and leave his truck parked alongside of the road to pick up later. ANTONIO-GARCIA stepped out of his truck and SA Castrillon asked ANTONIO-GARCIA if there were any weapons or items in the truck that could harm the agents. ANTONIO-GARCIA advised he did not have anything in the truck other than ammunition. ANTONIO-GARCIA attempted to grab a box of ammunition that was located inside an open compartment in the driver's side door to give to agents. The box contained 38 rounds of .270 ammunition.

11. ANTONIO-GARCIA advised it was ammunition for a hunting rifle. SA Castrillon asked for consent to search his truck to see if he was carrying the rifle. ANTONIO-GARCIA stated that the rifle was in his house. SA Castrillon advised ANTONIO-GARCIA that it was illegal for any person who is unlawfully present in the United States to possess ammunition or firearms. SA Castrillon collected the ammunition that ANTONIO-GARCIA had in the truck door compartment and did a

cursory search of the truck's cabin. Additional ammunition was observed in the center console compartment but was not collected at that time. The doors to the truck were locked and the keys were returned to ANTONIO-GARCIA.

12. SA Castrillon checked ANTONIO-GARCIA's person for weapons and then ANTONIO-GARCIA got in the front passenger seat of Detective Williams' vehicle. ANTONIO-GARCIA was not placed in handcuffs. Detective Williams, SA Staton and SA Castrillon travelled back to ANTONIO-GARCIA's residence located at 1039 Joe Ward Rd, Louisburg, NC. Upon arrival, ANTONIO-GARCIA asked Detective Williams, SA Staton and SA Castrillon if a warrant was needed to search his home or if we had one. SA Castrillon advised that a warrant was not needed if consent was provided. ANTONIO-GARCIA stated it was fine to enter his home and search but that he did not want agents to search his children's bedrooms.

13. ANTONIO-GARCIA opened the front door and let agents in. ANTONIO-GARCIA allowed agents to open the children's bedroom doors for security reasons but the rooms were not searched. ANTONIO-GARCIA then led SA Staton and Detective Williams to the master bedroom and stated that the rifles were in his bedroom and bathroom. A Marlin .270 caliber rifle was located in the bedroom. Inside the bathroom, a Winchester .22 caliber rifle and a Marlin .22 caliber rifle were found. In addition to the rifles that were located in ANTONIO-GARCIA's bedroom and bathroom, SA Staton located a .25 caliber handgun and ammunition inside luggage in ANTONIO-GARCIA's bedroom closet. Two rounds of .270 ammunition and twenty-three (23) rounds of .22 caliber ammunition were also seized from the closet.

14. While SA Staton and Detective Williams searched the bedroom, SA Castrillon interviewed ANTONIO-GARCIA regarding his alienage and obtained some background information. ANTONIO-GARCIA told SA Castrillon that he illegally entered the U.S. sometime around the year 2000 along the Arizona border. ANTONIO-GARCIA advised he was a minor the first time he attempted to illegally enter the US and was encountered at

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the border and returned to Mexico. ANTONIO-GARCIA advised that he was self-employed and owned a landscaping business.

15. As the search continued, SA Staton and Detective Williams located a vacuum sealer with plastic bags in ANTONIO-GARCIA's closet. At that point, they stopped the consent search to obtain a search warrant. SA Castrillon told ANTONIO-GARCIA that SA Staton and Detective Williams wanted to speak with him at the Sheriff's Office regarding his involvement in narcotics trafficking. ANTONIO-GARCIA said that was fine and called a person that was supposed to help him on a landscaping job to let them know he was going to be late picking him up.

16. ANTONIO-GARCIA continued his cooperation following the search and he and agents returned to his truck to recover the remaining ammunition left in the console. ANTONIO-GARCIA provided the keys to his truck so an officer could return the truck to his home and park it. ANTONIO-GARCIA travelled with Detective Williams to the VCSO. ANTONIO-GARCIA was not handcuffed. Upon arriving at the Sheriff's Office, SA Castrillon advised ANTONIO-GARCIA of his Miranda rights in Spanish. ANTONIO-GARCIA did not sign the Miranda waiver form; however, he indicated that he understood his rights and agreed to speak with agents.

17. ANTONIO-GARCIA said that about eight (8) years ago a friend gave him the pistol as a gift because his friend was returning to Mexico. ANTONIO-GARCIA said that he purchased ammunition for the pistol and used to keep the gun at the store. ANTONIO-GARCIA stated that he knew it was illegal for him to possess the firearm but he wanted it for protection. ANTONIO-GARCIA said that the .270 rifle belonged to his sister-in-law and that and they were storing it at his home. ANTONIO-GARCIA said that he purchased the .270 ammunition that officers found during the investigation at a Walmart in Louisburg, NC. With respect to the .22 caliber rifles, ANTONIO-GARCIA said that he purchased one for \$20 about three (3) years ago from a guy that was leaving for Mexico and that he bought the other .22 caliber rifle three (3) to four (4) months ago for \$40. When asked about his involvement in the

distribution of controlled substances, ANTONIO-GARCIA admitted that since about 2014, he sold a total of approximately about 1 ½ kilograms of heroin and three (3) to four (4) ounces of cocaine.

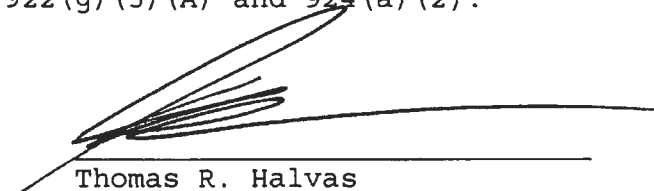
18. As part of an ongoing investigation being conducted by HSI Raleigh, I obtained and reviewed the official Alien File (A-File) pertaining to ANTONIO-GARCIA, that was created based on his arrest on January 25, 2018. The A-File, numbered A#216 435 542 and maintained by ICE, is in the name of Enrique ANTONIO-GARCIA and contains ANTONIO-GARCIA'S biographical information, family history, records of encounters with ICE, photographs and fingerprints. Based upon a review of the A-File, I believe that the file does in fact pertain to the same ANTONIO-GARCIA involved in this matter.

19. ANTONIO-GARCIA'S A-File reflects the following information: (a) ANTONIO-GARCIA is a citizen and national of Mexico; (b) ANTONIO-GARCIA'S date of birth is July xx, xxxx; (c) ANTONIO-GARCIA entered the United States at an unknown, date place, and time by entering without inspection, and is currently in the United States illegally and unlawfully.

20. Alcohol, Tobacco, and Firearms (ATF) S/A John Griffin, an expert in firearms and interstate nexus checks, was provided pertinent information with about the previously listed seized firearms and .270 caliber ammunition. ATF S/A Griffin stated that none of the firearms or ammunition were manufactured within North Carolina and therefore traveled in and affected interstate or foreign commerce prior to being received and possessed in North Carolina by ANTONIO-GARCIA.

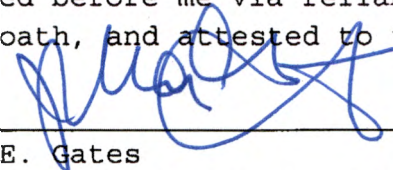
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21. Based on the foregoing, I, Thomas R. Halvas, believe that there is ample probable cause to conclude that Enrique ANTONIO-GARCIA is guilty of unlawful possession of a firearm for violation of the provisions of Title 18, United States Code, section 922(g)(5)(A) and 924(a)(2).



Thomas R. Halvas
Special Agent
Homeland Security Investigations

On this 20 day of June 2018, Thomas R. Halvas
appeared before me via reliable electronic means, was placed
under oath, and attested to the contents of this Affidavit.



James E. Gates
United States Magistrate Judge
Eastern District of North Carolina

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